

Attorney Docket No: 566/44299
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Andreas TAZREITER	Confirmation No.:	5759
Serial No.:	10/550,012	Art Unit:	3617
Filed:	December 27, 2006	Examiner:	Jason C. Smith
For:	RETRACTABLE STEP		

SUBMISSION UNDER 37 C.F.R. 1.56

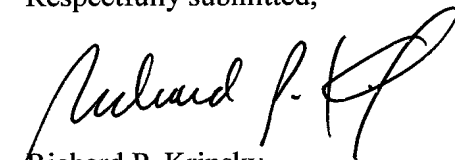
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

To comply with the duty of disclosure set forth in 37 C.F.R. 1.56, the following is enclosed: English-Language translation of the International Preliminary Examination Report ("IPER") issued on March 2, 2006 for the corresponding PCT application.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to the Account of Barnes & Thornburg LLP, Deposit Account No. 02-1010 (566/44299).

Respectfully submitted,



Richard P. Krinsky
Reg.No. 47,720
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BARNES & THORNBURG LLP
750 17th Street, N.W., Suite 900
Washington, DC 20006-1313

Enclosure: International Preliminary Examination Report

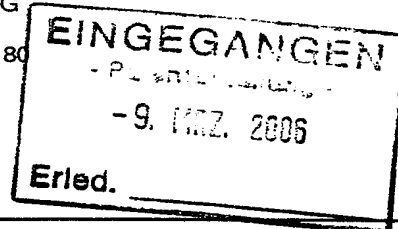
From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

SCHÖNMANN, Kurt
c/o Knorr-Bremse AG
Patentabteilung
Moosacher Strasse 80
80809 München
ALLEMAGNE



Date of mailing (day/month/year)
02 March 2006 (02.03.2006)

Applicant's or agent's file reference
P42355_S PCT

IMPORTANT NOTIFICATION

International application No.
PCT/EP2004/001667

International filing date (day/month/year)
20 February 2004 (20.02.2004)

Applicant

KNORR-BREMSE GES. M.B.H. et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Yolaine Cussac

Facsimile No.+41 22 740 14 35

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference P42355_S PCT	FOR FURTHER ACTION	See item 4 below
International application No. PCT/EP2004/001667	International filing date (<i>day/month/year</i>) 20 February 2004 (20.02.2004)	Priority date (<i>day/month/year</i>) 25 March 2003 (25.03.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant KNORR-BREMSE GES. M.B.H.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input checked="" type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 22 February 2006 (22.02.2006)
Facsimile No. +41 22 740 14 35	Authorized officer <div style="text-align: center; font-weight: bold;">Yolaine Cussac</div>
Telephone No. +41 22 338 70 80	

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

Translation

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day month year)

Applicant's or agent's file reference

P42355_S PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2004/001667

International filing date (day month year)

20.02.2004

Priority date (day month year)

25.03.2003

International Patent Classification (IPC) or both national classification and IPC

Applicant

KNORR-BREMSE GES. M.B.H.

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input checked="" type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT ISA/220.

3. For further details, see notes to Form PCT ISA/220.

Name and mailing address of the ISA EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/001667

Box No. I

Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/001667

Box No. II

Priority

1. ☒ The following document has not yet been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/EP2004/001667

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-6</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>1-6</u>	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	<u>1-6</u>	YES
	Claims	_____	NO

2. Citations and explanations:

1 In the present report, reference is made to the following documents:

D1 = FR 2 165 030 A (FAIVELEY SA; SNCF; BRISSONNEAU & LOTZ) 3 August 1973 (1973-08-03)

2.1 The document D1 is considered to be the closest prior art. It discloses (the references in parentheses relate to this document):

a retractable step (13) for entering and exiting rail vehicles. In order to bridge the gap between the vehicle and the platform, a surface upon which passengers can walk (the retractable step) is extended from the vehicle in an essentially linear direction, the retractable step comprising an apparatus (62, 65, 67, 68) having at least one sensor, which apparatus (62, 65, 67, 68) is intended to prevent a collision with obstacles during extension,

from which the subject matter of the independent claim 1 differs by virtue of the fact that:

the apparatus comprises a strip which is displaceably connected to the retractable step, extends essentially

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

over the entire length of the retractable step and, when in an active state, is located, in essence, under the leading edge of the retractable step, and the said apparatus also comprises at least one sensor that detects either the position of the strip relative to the retractable step or the force transferred from the strip to the retractable step.

2.2 The subject matter of claim 1 is thus novel (PCT Article 33(2)).

3.1 The problem addressed by the present invention consists in correct and reliable positioning of the retractable step in all possible situations. For this purpose, satisfactory and inexpensive detection of the possible obstacles on the platform and, when the retractable step is extended during a halt of the vehicle, of the change in height of the retractable step are to be carried out. Damage to the retractable step or injury of the passengers is thus precluded.

3.2 The solution which is proposed in claim 1 of the present application for this object involves an inventive step (PCT Article 33(3)) for the following reasons.

The retractable step is equipped with a strip that extends over the entire length and is displaceably connected under the leading edge. The position of the strip and/or the transferred force are/is detected with at least one sensor. Monitoring of the detection space is thus also ensured during extension of the retractable step.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/001667

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

A combination of features of this type is neither provided nor made obvious by the known prior art.

4. Claims 2-6 are dependent on claim 1 and thus likewise meet the PCT requirements for novelty and inventive step.

5. Contrary to PCT Rule 5.1(a)(ii), the description does not cite D1 or indicate the relevant prior art disclosed therein.